

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
VICTORIA DIVISION

STATE OF TEXAS,

Plaintiff,

v.

UNITED STATES OF AMERICA, *et al.*,

Defendants,

*and* FIEL HOUSTON, *et al.*,

Intervenor-Defendants.

Case No. 6:21-cv-00003

**UNOPPOSED MOTION OF NEW YORK, CALIFORNIA, CONNECTICUT,  
DELAWARE, THE DISTRICT OF COLUMBIA, ILLINOIS, MARYLAND,  
MASSACHUSETTS, NEVADA, NEW JERSEY, NEW MEXICO, OREGON,  
RHODE ISLAND, VERMONT, VIRGINIA, AND WASHINGTON  
FOR LEAVE TO FILE *AMICUS CURIAE* BRIEF IN SUPPORT OF DEFENDANTS**

The State of New York, together with, California, Connecticut, Delaware, the District Of Columbia, Illinois, Maryland, Massachusetts, Nevada, New Jersey, New Mexico, Oregon, Rhode Island, Vermont, Virginia, and Washington (the “Amici States”), respectfully move for leave to file an *amicus curie* brief in support of Defendants and in Opposition to Plaintiff’s Motion for a Preliminary Injunction (ECF No. 62).

“The extent to which the court permits or denies *amicus* briefing lies solely within the court's discretion. Factors relevant to the determination of whether amicus briefing should be allowed include whether the proffered information is timely and useful or otherwise necessary to the administration of justice.” *U.S. ex rel. Gudur v. Deloitte Consulting LLP*, 512 F. Supp. 2d 920, 927 (S.D. Tex. 2007), *aff’d sub nom. U.S. ex rel. Gudur v. Deloitte & Touche*, No. 07-20414, 2008 WL 3244000 (5th Cir. Aug. 7, 2008) (internal quotation marks omitted).

Amici States have a direct interest in this litigation because Plaintiff has requested relief that could affect federal immigration enforcement within our borders. As fellow States, Amici have a unique perspective to provide to this Court. In particular, Amici States can highlight the serious federalism interests at stake in this action, and the harms that would flow to Amici States if Plaintiff's requested relief were granted.

The Amici States respectfully submit that the proposed *amicus curiae* brief will assist the Court in addressing the impact of Plaintiff's requested relief on state sovereignty and federal immigration policy. Amici States' motion is timely pursuant to the briefing schedule ordered by this Court. Accordingly, Amici States request the Court's leave to file the proposed brief.

Date: February 12, 2021

Respectfully submitted,

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Deputy Solicitor General

By: /s/ Morenike Fajana  
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**CERTIFICATE OF COMPLIANCE WITH LOCAL CIVIL RULE 7**

Amici States conferred with Counsel for all parties in this matter. Counsel for the Plaintiff do not oppose the instant motion. Counsel for the Defendants and Counsel for the Intervenor-Defendants both consent to the instant motion.

Dated: February 12, 2021

/s/Morenike Fajana  
Morenike Fajana

**CERTIFICATE OF SERVICE**

I hereby certify that on February 12, 2021, a true and accurate copy of the foregoing document was filed electronically (via CM/ECF) and served on all counsel of record.

Dated: February 12, 2021

/s/Morenike Fajana  
Morenike Fajana